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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,602	04/03/2001	Kendra L. Dunlap	10005161-1	3707

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

NGUYEN, CAO H

ART UNIT PAPER NUMBER

2173

DATE MAILED: 02/06/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,602

Applicant(s)

Dunlap et al.

Examiner

Cao (Kevin) Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 3, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Schliekelmann et al (US Patent No. 6,100,994).

Regarding claim 1, Schliekelmann discloses a method for communicating information to a device user, comprising: presenting a textual indication to the user regarding a high level aspect of a device functionality [..by selecting offering the functions at a selected level when level is selected for the selected level to which the functions relating to respectively printing.. see col. 3, lines 11-61 and figures 2-4]; receiving an input from the user regarding the device functionality [..the start key is for starting a job to be executed by the reproduction device...see col. 5, lines 53-

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67]; and presenting a graphical indication to the user regarding a low level aspect of the device functionality [..the selection of a level is displayed by increased contrast of one of the corresponding areas..see col. 6, lines 15-67].

Regarding claim 2, Schliekelmann discloses wherein the step of presenting a graphical indication to the user regarding the device functionality further comprises the step of presenting a textual indication along with the graphical indication [..display screen as displayed when the copying mode, document level, color group. Selection of one of other scales is effected by pressing one of the keys...see col. 8, lines 4-64.]

Regarding claim 3, Schliekelmann discloses wherein the device functionality pertains to displaying and facilitating adjustment of a device setting [..display screen on selection of the zoom sub-group of the special group...see col. 9, lines 34-60.]

Regarding claim 4, Schliekelmann discloses wherein the textual indication is provided within a button that when selected displays the graphical indication to the user (see figures 5-6).

Regarding claim 5, Schliekelmann discloses wherein the graphical indication conveys a current value of the device setting to the user (see col. 10, lines 18-58).

Regarding claim 6, Schliekelmann discloses wherein the graphical indication is used to facilitate adjustment of the device setting (see figures 15-20).

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Regarding claims 7 and 8, Schliekelmann discloses wherein the device setting comprises the scale of a copy produced by the device; and wherein the device setting comprises the contrast of a copy produced by the device (see col. 11, lines 33-64).

As claims 9-16 are analyzed as previously discussed with respect to claims 1-8 above.

Regarding claims 17, Schliekelmann discloses a system, including computer readable media, for communicating information to a device user, comprising: logic configured to present a textual indication to the user regarding a high level aspect of a device functionality (see figures 2-4); logic configured to receive an input from the user regarding the device functionality; and logic configured to present a graphical indication to the user regarding a low level aspect of the device functionality (see figures 5-10).

As claims 18-24 are analyzed as previously discussed with respect to claims 1-8 above.

Regarding claims 25, Schliekelmann discloses a control panel having a display screen with which information is presented to a device user; and an information communication module adapted to present device setting buttons containing textual indications as to the type of setting to which each button pertains, and further adapted to present a graphical indication as to the setting to which a button pertains upon selection of the button via the control panel (see col. 14, lines 1-67 and figures 25-28).

Regarding claims 26-29, Schliekelmann discloses wherein a textual indication comprises presenting a default screen to the user with the small display, the default screen including a scale/contrast button (see figures 24-27).

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Response to Arguments

3. Applicant's arguments filed on 12/18/03 have been fully considered but they are not persuasive.

On page 9 of the Remarks, Applicant argues that the Schlickelmann does not teach or suggest "textual indication regarding a high level aspect with a graphical indication of a low level aspect of a device functionality". However, the limitations as claimed set forth to reply upon "FIG. 21 shows the display screen as displayed in the printing mode at document level for the format sub-group of the special group. With regard to the corresponding selection shown in FIG. 9 for the copying mode, the orientation and binding edge function has the options of collecting prints in the calendar or book format. In the copying mode, only the position of the text on the copy sheet can be adjusted with this function; and FIG. 4 shows the display screen as displayed when the copying mode, document level, color group and balance control sub-group are selected. The functions associated with this sub-group are saturation, contrast, and brightness. The function whose setting is to be adjusted on the displayed scale is displayed by an increased contrast of a symbolic display of the vertically oriented keys of the key cluster, display being shown next to the scale. By pressing one of these keys it is possible, for example, to increase or reduce the contrast. Selection of one of the other scales is effected by pressing one of the keys. FIG. 5 shows the display screen as displayed on selection of the copying mode, document level, color group and optimalization sub-group. The functions associated with this sub-group are indicating the type of original (document); setting an edge-sharp enlargement (sharpness); and

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eliminating any background (eliminate background). The automatic option of the document type function refers to automatic setting of the image processing for optimal image reproduction. Of the other displayed options of the document type function, image processing settings are selected which are optimal for the indicated type of document." which broadly read on Schlickmann.

Accordingly, the claimed invention as represented in the claims do not represent a patentable distinction over the art of record.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (See PTO-892).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response

5. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

Inquires

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (703) 308-3116. The fax number for this group is (703) 746-7239.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

